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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,280	01/14/2002	Pekka Niemi	1497-109	5434

23117 7590 05/04/2006

NIXON & VANDERHYE, PC  
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ARLINGTON, VA 22203

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3639

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/043,280	<b>Applicant(s)</b> NIEMI, PEKKA	
	<b>Examiner</b> Igor Borissov	<b>Art Unit</b> 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8,10,12,14-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,12,14-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/14/2006 has been entered.

### **Response to Amendment**

Amendment received on 2/14/2006 is acknowledged and entered. Claims 9, 11, 13, 17 and 18 have been cancelled. Claims 1-8, 10 and 16 have been amended. New Claims 21-23 have been added. Claims 1-8, 10, 12, 14-16 and 19-23 are currently pending in the application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21-23 include the term "*such*" which renders the Claims indefinite, because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi (WO 99/20521) in view of CODE OF FEDERAL REGULATIONS, TITLE 46 (SHIPPING), PART 199 – LIFESAVING SYSTEMS FOR CERETAIN INSPECTED VESSELS (CFR 46).**

Niemi teaches a system for a floating transportable building, comprising:

Claim 1. A floating building including a hull and an upper structure, and further comprising means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18); the upper structure including functional premises (premises for a hotel, restaurant or other tourist use; said functional premises appear to be dimensioned to accommodate a plurality of clients and personnel) (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and, therefore, can be registered (P. 3, L. 25-26).

Niemi does not explicitly teach that said building includes premises for building personnel.

Also, Niemi does not teach rescue means having at least a number of lifeboats required by safety regulations or a waterborne vessel to allow for waterborne evacuation of the building by a number of people consisting of only the maximum number of transport personnel, the number of lifeboats of the rescue means being less than sufficient to accommodate the maximum number of client personnel, wherein

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during transportation of the building by water the building is occupied only by the maximum number of transport personnel.

Official notice is taken that it is well known to provide crew accommodation on a cruising ship, said crew accommodation is being separate from premises for tourists.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that said building includes a premises for a building personnel, because it would allow to operate said building 24 hours a day by providing said personnel a place for rest.

Furthermore, CFR 46, PART 199, Subpart D teaches:

**Subpart D—Additional Requirements for Cargo Vessels**

199.260 General. *Cargo vessels and special purpose vessels*, as described in 199.10(f), *must meet the requirements in this subpart* in addition to the requirements in subparts A and B of this part.

199.261 Survival craft.

*(b) Each cargo vessel must carry—*

*(1) On each side of the vessel, lifeboats with an aggregate capacity sufficient to accommodate the total number of persons on board, and*

*(2) Liferafts – (CFR 46 printout, pages 3-4 (See Examiners numeration at the bottom of the each page)).*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include rescue means having at least a number of lifeboats required by safety regulations or a waterborne vessel to allow for waterborne evacuation of any amount of people presented on the waterborne vessel, as required by CFR 46, because it would advantageously allow the business to be compliant with federal regulation.

Information as to *the maximum number of clients C is greater than the number of transport personnel; and that the functional premises of the building do not meet the*

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*safety regulations required of a waterborne vessel* indicate the intended use of the system, rather than structural element, and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*" Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim 2. See reasoning applied to claim 1.

Claim 3. Said building including hotel rooms (P. 2, L. 8-10).

Claim 4. See reasoning applied to claim 1.

Claim 21. See reasoning applied to claim 1. Information as to "transport personnel cannot enter the functional premises during waterborne transport of the building" indicates the intended use of the system, rather than structural element, and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*" Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

**Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi (WO 99/20521) in view of Long (GB 2120298 A).**

Claim 5. Niemi teaches a method for a floating transportable building, said building including means for transporting the building (an engine and transmission means); said method comprising:

planning in advance the delivery of said building so that it operates in a certain place for a certain period of time, after which it is transported to the next place that is in advance reserved for it (P. 3, L. 4-7), wherein means for transporting the building indicates the use of transport personnel for transporting the building (P. 3, L. 4; P. 5, L. 16-18).

Niemi does not specifically teach that an additional building is transported to said place.

Long teaches a method for providing marine hotel accommodation, wherein a plurality of barges, each having integral superstructure comprising multi-storey building used for hotel accommodation, are floated from a given site to a desired location at a desired time (P. 1, L. 44-52).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that an additional building is transported to said place, because it would advantageously allow to provide temporary accommodation for visitors in many areas of the world, as specifically stated in Long (P. 1, L. 7-21).

Claim 6. Niemi teaches planning in advance the delivery of said building so that it operates in a certain place for a certain period of time, after which it is transported to the next place that is in advance reserved for it (P. 3, L. 4-7), wherein said "certain period of time" indicates the "agreed termination date".

Claim 7. See reasoning applied to claim 5.

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Claim 8. Niemi teaches a method for a floating transportable building, said building including means for transporting the building (an engine and transmission means); said method comprising:

planning in advance the delivery of said building so that it operates in a certain place for a certain period of time, after which it is transported to the next place that is in advance reserved for it (P. 3, L. 4-7), wherein said "planning in advance" indicates

Niemi does not specifically teach that an additional building is transported to said place.

Long teaches a method for providing marine hotel accommodation, wherein a plurality of barges, each having integral superstructure comprising multi-storey building used for hotel accommodation, are floated from a given site to a desired location at a desired time, and functionally connected (P. 1, L. 44-52), wherein providing of said plurality of building indicates providing a desired/required spatial capacity.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that an additional building is transported to said place, because it would advantageously allow to provide temporary accommodation for visitors in many areas of the world, as specifically stated in Long (P. 1, L. 7-21).

**Claims 10, 14, 16, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of CFR 46 and further in view of Schiff et al. (US 2003/0187705).**

Claim 10. Niemi teaches a system for a floating building including the floating building having premises for a hotel, wherein said building is transported to a certain place that is *reserved in advance* for a certain period of time (P. 3, L. 4-7); said floating building further including a hull and an upper structure, and further comprising means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18); the upper structure including functional premises (premises for a hotel,



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restaurant or other tourist use; said functional premises appear to be dimensioned to accommodate a plurality of clients and personnel) (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and, therefore, can be registered (P. 3, L. 25-26).

Niemi does not explicitly teach that said building includes premises for building personnel.

Also, Niemi does not teach rescue means having at least a number of lifeboats required by safety regulations or a waterborne vessel to allow for waterborne evacuation of the building by a number of people consisting of only the maximum number of transport personnel, the number of lifeboats of the rescue means being less than sufficient to accommodate the maximum number of client personnel, wherein during transportation of the building by water the building is occupied only by the maximum number of transport personnel.

Official notice is taken that it is well known to provide crew accommodation on a cruising ship, said crew accommodation is being separate from premises for tourists.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that said building includes a premises for a building personnel, because it would allow to operate said building 24 hours a day by providing said personnel a place for rest.

Furthermore, CFR 46, PART 199, Subpart D teaches:

#### **Subpart D—Additional Requirements for Cargo Vessels**

199.260 General. *Cargo vessels and special purpose vessels*, as described in 199.10(f), *must meet the requirements in this subpart* in addition to the requirements in subparts A and B of this part.

199.261 Survival craft.

*(b) Each cargo vessel must carry—*

***(1) On each side of the vessel, lifeboats with an aggregate capacity sufficient to accommodate the total number of persons on board, and***

(2) Liferafts – (CFR 46 printout, pages 3-4 (See Examiners numeration at the bottom of the each page)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include rescue means having at least a number of lifeboats required by safety regulations or a waterborne vessel to allow for waterborne evacuation of any amount of people presented on the waterborne vessel, as required by CFR 46, because it would advantageously allow the business to be compliant with federal regulation.

Information as to *the maximum number of clients C is greater than the number of transport personnel; and that the functional premises of the building do not meet the safety regulations required of a waterborne vessel* indicate the intended use of the system, rather than structural element, and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: “*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*” Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959). A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

However, Niemi in view of CFR 46 does not specifically teach a data terminal, means for entering a space reservation in the building, a database, means for searching the database, means for updating the database, means for replying to the data terminal, and means for changing the reservation status of a building or a part.

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Schiff et al. (hereinafter Schiff) teaches Web-based selling and booking method and system for selling and booking cruises, including a data terminal, a server and a relational database, wherein a cruise reservation inquiry is conducted over the Internet, and wherein the relational database is updated [0013]; [0068]; [0077]; [0083]; [0123].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi in view of CFR 46 to include a data terminal, a server and a relational database, wherein a cruise reservation inquiry is conducted over the Internet, as disclosed in Schiff, because it would allow users to book the premises in the building over the Internet at the most convenient time for said users.

Claim 14. Schiff teaches said system wherein orders are received via a telephone or e-mail [0047]. The motivation to combine the references would be allowing users to book the premises in the building over the Internet at the most convenient time for said users.

Claim 22. See reasoning applied to claim 10. Information as to "transport personnel cannot enter the functional premises during waterborne transport of the building" indicates the intended use of the system, rather than structural element, and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*" Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim 16. Niemi teaches a method for a floating building including the floating building having premises for a hotel, wherein said building is transported to a certain place that is *reserved in advance* for a certain period of time (P. 3, L. 4-7); said floating building further including a hull and an upper structure, and further comprising means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18); the upper structure including functional premises (premises for a hotel, restaurant or other tourist use; said functional premises appear to be dimensioned to accommodate a plurality of clients and personnel) (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and, therefore, can be registered (P. 3, L. 25-26).

Niemi does not explicitly teach that said building includes premises for building personnel.

Also, Niemi does not teach rescue means having at least a number of lifeboats required by safety regulations or a waterborne vessel to allow for waterborne evacuation of the building by a number of people consisting of only the maximum number of transport personnel, the number of lifeboats of the rescue means being less than sufficient to accommodate the maximum number of client personnel, wherein during transportation of the building by water the building is occupied only by the maximum number of transport personnel.

Official notice is taken that it is well known to provide crew accommodation on a cruising ship, said crew accommodation is being separate from premises for tourists.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that said building includes a premises for a building personnel, because it would allow to operate said building 24 hours a day by providing said personnel a place for rest.

Furthermore, CFR 46, PART 199, Subpart D teaches:

**Subpart D—Additional Requirements for Cargo Vessels**

199.260 General. ***Cargo vessels and special purpose vessels***, as described in 199.10(f); ***must meet the requirements in this subpart*** in addition to the requirements in subparts A and B of this part.

199.261 Survival craft.

***(b) Each cargo vessel must carry--***

***(1) On each side of the vessel, lifeboats with an aggregate capacity sufficient to accommodate the total number of persons on board, and***

***(2) Liferrafts – (CFR 46 printout, pages 3-4 (See Examiners numeration at the bottom of the each page)).***

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include rescue means having at least a number of lifeboats required by safety regulations or a waterborne vessel to allow for waterborne evacuation of any amount of people presented on the waterborne vessel, as required by CFR 46, because it would advantageously allow the business to be compliant with federal regulation.

Information as to *the maximum number of clients C is greater than the number of transport personnel; and that the functional premises of the building do not meet the safety regulations required of a waterborne vessel* indicate the intended use of the system, rather than structural element, and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: “*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*” Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959). A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2

USPQ2d 1647 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

However, Niemi in view of CFR 46 does not specifically teach entering a space reservation inquiry via a server, and receiving a response for said inquiry.

Schiff teaches said Web-based selling and booking method and system for selling and booking cruises, wherein a cruise reservation inquiry is conducted over the Internet, and wherein a relational database is updated [0013]; [0068]; [0077]; [0083]; [0123].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi in view of CFR 46 to include entering a space reservation inquiry via a server, and receiving a response for said inquiry, as disclosed in Schiff, because it would allow users to book the premises in the building over the Internet at the most convenient time for said users.

Claim 19. Schiff teaches said method wherein orders are received via a telephone or e-mail [0047]. The motivation to combine the references would be allowing users to book the premises in the building over the Internet at the most convenient time for said users.

Claim 23. See reasoning applied to claim 1. Information as to "transport personnel cannot enter the functional premises during waterborne transport of the building" is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. See: *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) *In re Dembiczak* 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999). MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*" The specific example of non-functional descriptive material is provided in MPEP 2106, Section VI: (example 3) a process that differs from the prior art only with respect to non-functional descriptive material that cannot alter how the process steps are to be performed. The method steps disclosed

including "entering a space reservation"; "searching the database"; "making the order"; "providing the data terminal"; and "changing the reservation" would be performed the same regardless whether "transport personnel can enter the functional premises during waterborne transport of the building", or not.

**Claims 12, 15, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of CFR 46, further in view of Schiff et al. and further in view of LaBrie et al. (US 2002/0055872).**

Claims 12, 15 and 20. Niemi in view of CFR 46 and further in view of Schiff teach all the limitations of claims 12, 15 and 20, except specifically teaching that said means are located in a building.

LaBrie et al. (hereinafter LaBrie) teaches a method and system for information management and user services on a cruise ship, including a communication means between said ship and off-board location, an on-board terminal, an on-board server and on-board means for registration users and receiving users orders [0010]; [0014]; [0105]; [0118]; [0124].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi and Schiff to include that said means are located in a building, as disclosed in LaBrie, because it would allow to make a reservation on-board without necessity to leave the building, thereby increasing customer service.

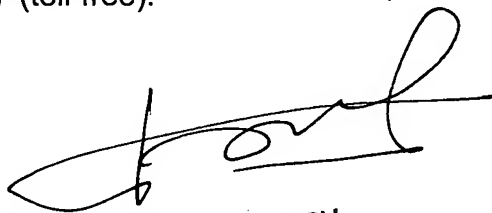
### ***Response to Arguments***

Applicant's arguments with respect to Claims 1-8, 10, 12, 14-16 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 703-305-4649. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized, flowing script.

IGOR N. BORISSOV  
PRIMARY EXAMINER

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4/20/2006